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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 99-017

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. Current s. ERB 1.07 contains a note which advises readers where a tier two form may be obtained. A similar note should be added to s. ERB 1.04.

b. In s. ERB 1.04 (8), the introduction should be rewritten to grammatically lead into the following subunits. The introduction could be rewritten to read:

An owner or operator of a petroleum marketing facility shall submit a tier two inventory form, a site plan and an inventory form fee statement annually on or before March 1 and an appropriate inventory form fee on or before the due date established by the division if any of the following apply:

c. The effective date provision should include language providing that the rule takes effect “on the first day of the month after publication in the Wisconsin administrative register.” [See s. 1.02 (4) (a), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. In both the statutory authority and statutes interpreted provisions of the rule, reference is made to “s. 166.20 (5) 3.” The reference should be to s. 166.20 (5) (a) 3. In addition, the citations should be followed by the notation “Stats.”

b. The plain language summary refers to submission of “section 311-312 reporting information.” It is not apparent what this information is, or what “section” is being referred to. The summary needs to more fully identify this reporting requirement and the legal source of the section being referred to.

c. Section ERB 1.04 (8) (intro.) requires a certain fee to be submitted on or before a “due date established by the division.” When is that date and how are those required to report notified of the date? This information should be included in the rule or a note to the rule. Also, the term “division” needs to be defined, perhaps in s. ERB 1.02. It is not clear which division is being referred to.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the rule’s plain language summary, the summary indicates that the rule will maintain reporting thresholds “as they currently exist.” Where do they currently exist? Also, if they already exist, why is the rule needed? These issues should be more fully explained in the summary.

b. Section ERB 1.04 (8) (b) and (c) refer to “the 10,000 pound reporting threshold.” What is this threshold? Can a cross-reference to the threshold be provided? How does one meet or exceed it? Is it met by storing, selling or doing something else with the fuel? The rule needs to be clarified.